

FILED-CLERK  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

05 DEC 13 AM 9:47

FOR THE EASTERN DISTRICT OF TEXAS

TEXAS-EASTERN

SHERMAN DIVISION

BY \_\_\_\_\_

ELIAD MERKICH

§

VS.

§ CIVIL ACTION NO. 4:05cv417

OFFICER COLEMAN, ET AL.

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE's REPORT AND RECOMMENDATION

Plaintiff Eliad Merkich, an inmate confined at the Collin County Detention Facility, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against Officer Coleman, Officer Deleon, and Lt. Officer McNeme.

The court heretofore referred this matter to the Honorable Don D. Bush, United States Magistrate Judge, at Sherman, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed as frivolous and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e) and 1997e.

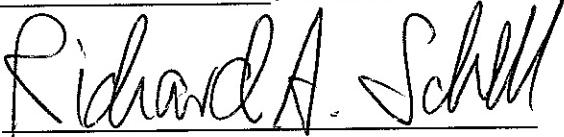
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate

Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 12<sup>th</sup> day of December, 2005.

  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE